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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18  
19

20 LUMILEDS LIGHTING U.S., LLC,

21 Plaintiff,

22 vs.

23 EPISTAR CORP., and UNITED  
24 EPITAXY CO., LTD.

25 Defendants.  
26  
27  
28

Case No. C 05-04521 (MEJ)

**DECLARATION OF ANDREW J. WU IN  
SUPPORT OF LUMILEDS LIGHTING  
U.S., LLC'S ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED**

Hearing Date/Time: Pursuant to Civil L.R. 7-  
11(c), Motion is deemed submitted for  
immediate determination without hearing on  
December 16, 2005.

1 I, Andrew J. Wu, hereby declare as follows:

2 1. I am a partner with the law firm of Morgan Lewis & Bockius LLP, 2 Palo Alto  
3 Square, 3000 El Camino Real, Suite 700, Palo Alto, California, 94306-2122, and a member in  
4 good standing of the Bar of the State of California and the United States District Court for the  
5 Northern District of California. Morgan Lewis & Bockius has been retained as trial counsel for  
6 the plaintiff, Lumileds Lighting U.S., LLC, in the present action. I submit this declaration in  
7 support of Lumileds Lighting U.S., LLC's Administrative Motion to Consider Whether Cases  
8 Should be Related pursuant to Civil L.R. 3-12 and 7-11 ("Related Cases Motion").

9 2. Attached hereto as Exhibit A is a true and correct copy of a letter from Sean  
10 DeBruine to Dan Johnson dated December 2, 2005. In this letter, Mr. DeBruine states that he will  
11 let Lumileds know whether or not the Defendants oppose the assignment of the present case to  
12 Judge Wilken.

13 3. Attached hereto as Exhibit B is a true and correct copy of a letter from Dan  
14 Johnson to Sean DeBruine dated December 8, 2005, signed by me on Mr. Johnson's behalf,  
15 requesting the Defendants' position on whether or not they would oppose Lumileds' Related  
16 Cases Motion. This letter also informed the Defendants that if a response was not received by  
17 12:00 p.m. on December 9, 2005, then Lumileds would proceed with the understanding that the  
18 Defendants intended to oppose Lumileds' Related Cases Motion. As of 2:00 p.m. on Monday,  
19 December 12, 2005, Lumileds has not received a response to the December 8, 2005 letter (Exhibit  
20 B). Thus, Lumileds was not able to obtain a stipulation consistent with Civil L.R. 7-11(a).

21 4. Attached hereto as Exhibit C is a true and correct copy of an Epistar press release  
22 obtained from Epistar's web-site ([www.epistar.com.ts/news-e.htm](http://www.epistar.com.ts/news-e.htm)) announcing on August 15,  
23 2005 the "Epistar and UEC to Merge in a Stock-for-Stock Transaction".

24 5. Attached hereto as Exhibit D is a true and correct copy of an article dated  
25 November 11, 2005 from DigiTimes daily IT news obtained from the website  
26 [www.digitimes.com](http://www.digitimes.com) entitled "Epistar and UEC deny Lumileds' patent infringement complaint"  
27 and stating that "according to their filings with the Taiwan Stock Exchange, Epistar [*sic*] and  
28

1 UEC plan to merge on December 30 of this year.”

2 6. Attached hereto as Exhibit E is a true and correct copy of Lumileds’ Notice of  
3 Related Cases from *Lumileds Lighting U.S., LLC v. Citizen Electronics Co., Ltd., et al.*, No. C 02-  
4 5077 JW (EAI) (N.D. Cal. filed Oct. 18, 2002) (Wilken, J.) (“Epistar I Related Action”).

5 7. Attached hereto as Exhibit F is a true and correct copy of Lumileds’ Notice of  
6 Related Cases from *Epistar Corp. v. Lumileds Lighting US, LLC*, No. 03-CV-01130-CW (N.D.  
7 Ca. transferred March 17, 2003 from C.D. Cal.) (Wilken, J.) (“Epistar II Related Action”).

8 8. Attached hereto as Exhibit G is a true and correct copy of the docket for the  
9 lawsuit *United Epitaxy Co., Ltd. v. Hewlett-Packard Co., et al.*, No. C 00-2518 CW (PVT) (N.D.  
10 Cal. filed Sept. 7, 1999) (Wilken, J.) (“UEC Related Action”), which was obtained from the  
11 PACER on-line database.

12 9. Attached hereto as Exhibit H is a true and correct copy of the docket for the  
13 Epistar I Related Action, which was obtained from the PACER on-line database.

14 10. Attached hereto as Exhibit I is a true and correct copy of the docket for Epistar II  
15 Related Action, which was obtained from the PACER on-line database.

16 11. Attached hereto as Exhibit J is a true and correct copy of the Order Construing  
17 Disputed Claims and Terms, entered on May 11, 2001 in the UEC Related Action.

18 12. Attached hereto as Exhibit K is a true and correct copy of the Order Granting  
19 Defendants’ Motion for Summary Judgment in Part and Denying Plaintiff’s Cross-Motion for  
20 Summary Judgment, filed on June 14, 2001 in the UEC Related Action.

21 13. Attached hereto as Exhibit L is a true and correct copy of the Order Granting  
22 Defendant’s Motion to Transfer Venue dated March 10, 2003 for the case *Epistar Corp. v.*  
23 *Lumileds Lighting U.S., LLC*, Case No. CV 03-0084 (JWJx) (C.D. Cal.) (Collins, J.) (transferred  
24 to the N.D. Cal. and becoming the Epistar II Related Action assigned to Wilken, J.).

25 14. Attached hereto as Exhibit M is a true and correct copy of the Related Case Order,  
26 entered February 11, 2003 in the Epistar I Related Action, where the UEC Related Action and the  
27 Epistar I Related Action were ordered Related by Judge Wilken.

